

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ROBERT SCOTT,

[ECF]

Plaintiff,

10 CV 9538 (PKC)(RLE)

-against-

NOTICE OF MOTION

WORLDSTARHIPHOP INC.,
BERKELEY COLLEGE,

Defendants.

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PLEASE TAKE NOTICE that upon the Declaration of David F. Bayne, dated June 29, 2011, the Memorandum of Law, dated June 29, 2011, submitted herewith, and upon all the prior pleadings and proceedings had herein, Defendant Berkeley College, by its undersigned counsel, will move this Court before the Honorable P. Kevin Castel at the United States Courthouse, 500 Pearl Street, New York, New York for an Order pursuant to Federal Rules of Civil Procedure Rules 12(b)(6) dismissing Plaintiff's Amended Complaint, dated May 9, 2011 (Docket #026), in its entirety for failure to state a claim upon which relief can be granted and for lack of plausibility, together with such other and further relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that, answering papers, if any, shall be served on the undersigned on or before July 29, 2011 and reply papers if any shall be served on or before August 12, 2011 pursuant to the Order of the Court dated June 13, 2011 (ECF Docket #028).

Dated: New York, N.Y.
June 29, 2011

KAVANAGH MALONEY & OSNATO LLP

By David F. Bayne
David F. Bayne
Attorneys for Defendant Berkeley College
415 Madison Avenue
New York, NY 10017
212-207-4800

WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER, LLP

By Joseph L. Francoeur, Esq. JF887Y
Joseph L. Francoeur, Esq.
Attorneys for Defendant Berkeley College
160 East 42nd Street
New York, NY 10017-5639
212-490-3000

TO:

Mr. Robert Scott
127 E 117th Street, Apt. 3E
New York, NY 10035
Plaintiff *Pro Se*
646-217-1765

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Plaintiff,

10 Civ. 9538 (PKC)(RLE)

-against-

WORLDSTARHIPHOP, INC.;
BERKELEY COLLEGE,

Defendants.

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**NOTICE OF MOTION AND DECLARATION OF DAVID F. BAYNE, ESQ. IN
SUPPORT OF DEFENDANT BERKELEY COLLEGE'S MOTION TO DISMISS
PLAINTIFF'S AMENDED COMPLAINT IN ITS ENTIRETY**

**KAVANAGH MALONEY & OSNATO LLP
415 Madison Avenue
New York, NY 10017
Attorneys for Defendant Berkeley College**